

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

BAN ATCHOO,	)	Case No.:
	)	
Plaintiff,	)	Hon.
	)	
v.	)	
	)	
ACADEMY COLLECTION SERVICES,	)	
INC.,	)	
	)	
Defendant.	)	

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**COMPLAINT AND JURY DEMAND**

Plaintiff, BAN ATCHOO (“Plaintiff”), by her attorneys, KROHN & MOSS, LTD., alleges the following against Defendant, ACADEMY COLLECTION SERVICES, INC. (“Defendant”):

**INTRODUCTION**

1. Count I of Plaintiff’s Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).

**JURISDICTION AND VENUE**

2. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”
3. Defendant conducts business in the state of Michigan, and therefore, personal jurisdiction is established.
4. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

**PARTIES**

5. Plaintiff is a natural person residing in West Bloomfield, Oakland County, Michigan.
6. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)*, and according to

Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)*.

7. Defendant is a debt collector as that term is defined by *15 U.S.C. 1692a(6)*, and sought to collect a consumer debt from Plaintiff.
8. Defendant is a collection agency with a business office in Philadelphia, Pennsylvania.
9. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

### **FACTUAL ALLEGATIONS**

10. Upon information and belief, Defendant is collecting on an alleged debt owed to GE Money Bank GE Capital in the amount of approximately \$806.55.
11. Defendant places collection calls to Plaintiff's cell phone from 888-220-8589, 866-998-4558, 856-668-4530 and 800-503-3852.
12. Between March 22, 2010 and May 19, 2010, Defendant placed at least thirty-six (36) calls to Plaintiff.
13. Defendant places collection calls to Plaintiff up to three times per day.
14. Defendant leaves messages for Plaintiff that fail to disclose that the call was from a debt collector.
15. Defendant leaves messages for Plaintiff stating that it is "very important that you return the call."
16. Despite Defendant's messages, no further action beyond continued calls have occurred.

### **COUNT I** **DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

17. Defendant violated the FDCPA based on the following:
  - a. Defendant violated §1692d of the FDCPA by engaging in conduct that the natural consequences of which was to harass, oppress, and abuse Plaintiff in

connection with the collection of an alleged debt.

- b. Defendant violated §1692d(5) of the FDCPA by causing Plaintiff's telephone to ring or engaging Plaintiff in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass Plaintiff.
- c. Defendant violated §1692d(6) of the FDCPA by placing telephone calls without meaningful disclosure of the caller's identity.
- d. Defendant violated §1692e of the FDCPA by using false, deceptive, and misleading representations in connection with the collection of any debt.
- e. Defendant violated §1692e(10) of the FDCPA by using deceptive means in an attempt to collect a debt.
- f. Defendant violated §1692e(11) of the FDCPA by failing to disclose in subsequent communications that the communication was from a debt collector.

WHEREFORE, Plaintiff, BAN ATCHOO, respectfully requests judgment be entered against Defendant, ACADEMY COLLECTION SERVICES, INC., for the following:

- 18. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
- 19. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*, and
- 20. Any other relief that this Honorable Court deems appropriate.

**DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that Plaintiff, BAN ATCHOO, demands a jury trial in this case.

DATED: August 10, 2010

RESPECTFULLY SUBMITTED,  
  
KROHN & MOSS, LTD.

By: /s/ Michael S. Agruss

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VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF MICHIGAN

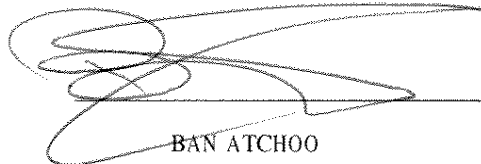
Plaintiff, BAN ATCHOO, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, BAN ATCHOO, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

6-11-10

Date

  
BAN ATCHOO